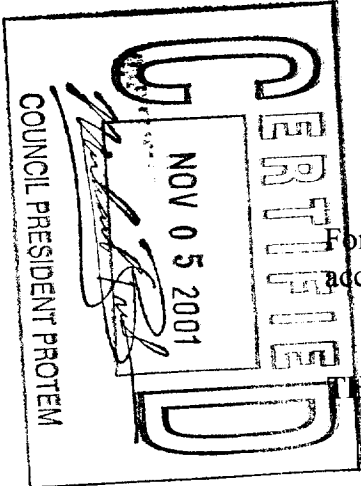


Entered - 09/14/01 - sb  
CL01L0566 - DIANNE C. MITCHELL

01-R-1774

CLAIM OF: **LOOMIS FARGO & COMPANY,**  
through their insurance carrier,  
Recovery Services International  
P. O. Box 88139  
Atlanta, Georgia 30356

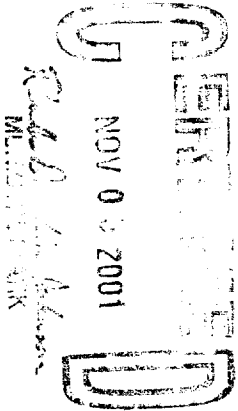


For damages alleged to have been sustained as a result of a vehicular accident on March 23, 2001 at Northside Drive and Fair Street.

THIS ADVERSED REPORT IS APPROVED

BY:

  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY



CITY CLERK NOV 05 2001

### ADVERSE REPORT

COMM Public Safety

DATE 10/30/01

CHAIR \_\_\_\_\_

Kemp

Ador

Wesley

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 13, 2001

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Recovery Services International  
Insurance Carrier  
Attn: Betty Smith  
P.O. Box 88139  
Atlanta, GA 30356

01-R-1774

RE: Loomis Fargo & Company

Dear Ms. Smith:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0566

Date: October 18, 2001

Claimant /Victim LOOMIS FARGO AND COMPANY  
BY: (Ins. Co.) Recovery Services International  
Address: P. O. Box 88139, Atlanta, Georgia 30356  
Subrogation: X Claim for Property damage \$ 4,900.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 08/23/01 Method: Written, proper \_\_\_\_\_ Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 03/23/01 Place: Northside Drive and Fair Street  
Department Police Division: \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that its vehicle was damaged when it was struck by the driver of a vehicle who was eluding police. The investigation determined that the perpetrator, who was eluding police, was negligent in causing this accident when he failed to stop for police. He continued driving and failed to stop for a traffic signal and collided with the claimant's vehicle. There was no negligence on the part of the police officers in causing this accident. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1 and §36-33-3.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10/8/01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL PRESIDENT PROTEM MICHAEL BOND PRESIDENT

RCS# 3222  
11/05/01  
3:31 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 15

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-1591  
01-O-1696  
01-O-1698  
01-O-1712  
01-R-1595  
01-R-1786  
01-R-1793

CONSENT

**11/05/01 Council Meeting**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-1703
2. 01-O-1671
3. 01-O-1664
4. 01-R-1667
5. 01-R-1729
6. 01-R-1745
7. 01-R-1777
8. 00-R-0820
9. 01-R-1682
10. 01-R-1782
11. 01-R-1706
12. 01-R-1708
13. 01-R-1709
14. 01-R-1730
15. 01-R-1746
16. 01-R-1791
17. 01-R-1748
18. 01-R-1749
19. 01-R-1750
20. 01-R-1751
21. 01-R-1752
22. 01-R-1753
23. 01-R-1754
24. 01-R-1755
25. 01-R-1756

**ITEMS ADVERSED ON  
CONSENT AGENDA**

26. 01-R-1757
27. 01-R-1758
28. 01-R-1759
29. 01-R-1760
30. 01-R-1761
31. 01-R-1762
32. 01-R-1763
33. 01-R-1764
34. 01-R-1765
35. 01-R-1766
36. 01-R-1767
37. 01-R-1768
38. 01-R-1769
39. 01-R-1770
40. 01-R-1771
41. 01-R-1772
42. 01-R-1773
43. 01-R-1774
44. 01-R-1775
45. 01-R-1776